



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

February 6, 2019 **MEMO ENDORSED**

*The final pretrial conference will
be conducted on May 10, 2019, at 10:00 A.M.*

cc JUDGE NEW:

Paul G. Gardephe

Paul G. Gardephe, U.S.D.J.

April 4, 2019

BY ECF and FACSIMILE (212) 805-7986

Hon. Paul G. Gardephe
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Novartis Pharmaceutical Corp.*, No. 1:11-cv-00071-PGG (S.D.N.Y.)

Dear Judge Gardephe:

The parties jointly submit this letter to provide the Court with an update regarding the status of this case following the recent lapse in appropriations for the Department of Justice, as well as to respectfully request that the court schedule a pretrial conference in advance of the trial commencing on May 20, 2019.

On May 29, 2018 [ECF No. 217], the court ordered that the parties file the joint pre-trial order, motions *in limine*, requested voir dire, and requests to charge by March 4, 2019, with responsive papers due on March 18, 2019. On December 27, 2018, however, Judge McMahon entered standing order M10-468, 18 Misc. 605, which provided that all civil cases in which the United States Attorney's Office for the Southern District of New York has appeared as counsel of record for the United States were stayed during the pendency of the lapse in appropriations for the Department of Justice, and that all court deadlines, including scheduling order deadlines, in such cases were tolled during the duration of the lapse of appropriations.

As a result of the standing order, the parties' deadlines for filing the joint pre-trial order, motions *in limine*, requested voir dire, and requests to charge have been extended to April 8, 2019, with responsive papers due April 22. The parties will be prepared to go forward on the May 20 trial date, and do not seek currently any adjournment of that date.¹

Furthermore, the parties respectfully request that the Court schedule a pretrial conference to discuss outstanding issue and the logistics of trial for a date after April 22.

¹ Novartis's lead trial counsel recently has learned that a long-scheduled trial in another matter may potentially run through the end of the week of May 20. If that continues to be the case, Novartis will notify the Court and plaintiffs and seek a short one to two-week adjournment.

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Respectfully,

GEOFFREY S. BERMAN
United States Attorney

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